

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

**FILED**

AUG - 7 2024

NELSON WILLIS  
Plaintiff

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF TEXAS

v.

ADAM M. ARON  
Defendant

Case No.: 4:23-cv-732-ALM

#### PLAINTIFF'S MOTION TO REMOVE MAGISTRATE JUDGE

##### I. Introduction

(80) MOTION FOR SUMMARY JUDGEMENT DOCUMENT 80 PROVES THE LOWER COURT CASE WAS NOT VOLUNTARILY DISMISSED BUT IS STILL ACTIVE AND OPEN MAKING EVERY FILED DOCUMENT BY THE DEFENSE A FELONY AND FRAUDULENT. IS THE MAGISTRATE IGNORING EVERY FILING BY THE PLAINTIFF? IS THE MAGISTRATE COLLUDING WITH THE DEFENDANT'S COUNSEL. THE TIMING OF THE MAGISTRATES REPORT AND RECOMMENDATION (88) IS SUSPICIOUS.

Plaintiff Nelson Willis, Pro Se, respectfully moves this Court to remove Magistrate Judge Kimberly C. Priest Johnson from this case. Plaintiff asserts that the Magistrate Judge has engaged in fraudulent behavior, demonstrated bias against the Plaintiff, and potentially colluded with the Defendant's attorney, thereby undermining the integrity of the judicial process.

##### II. Background

1. Plaintiff filed a Motion for Summary Judgment (Document No. 80) and submitted all supporting exhibits proving that the lower court case in the 235th District Court of Cooke County is not dismissed.
2. Despite this evidence, Magistrate Judge Johnson issued a Report and Recommendation recommending the dismissal of Plaintiff's claims against Defendant Adam M. Aron on the same day.
3. Plaintiff previously filed a judiciary complaint and a motion to remove Magistrate Judge Johnson, which have yet to be addressed.

##### III. Grounds for Removal

1. **Fraudulent Behavior:** Magistrate Judge Johnson's actions constitute fraudulent behavior. She disregarded Plaintiff's evidence, including the active status of the lower court case, and instead issued a recommendation for dismissal based on erroneous grounds.
2. **Bias and Prejudice:** Magistrate Judge Johnson has consistently demonstrated bias against Plaintiff. Her decision to recommend dismissal immediately after the filing of the summary judgment motion and supporting evidence indicates a prejudicial approach.
3. **Possible Collusion:** The timing and nature of the Magistrate Judge's actions suggest potential collusion with the Defendant's counsel. The issuance of the Report and Recommendation immediately

following the summary judgment motion filing raises questions about whether there were improper communications between the Magistrate Judge and the Defendant's attorney.

#### IV. Argument

Magistrate Judge Johnson's conduct in this case undermines the principles of fairness and impartiality essential to the judicial system. By issuing a recommendation for dismissal without properly considering the summary judgment motion and supporting evidence, the Magistrate Judge has compromised the integrity of the proceedings.

Plaintiff's evidence clearly demonstrates that the lower court case in the 235th District Court of Cooke County is not dismissed. Magistrate Judge Johnson's failure to acknowledge this evidence and her subsequent recommendation for dismissal constitute a gross miscarriage of justice.

The timing of the Magistrate Judge's Report and Recommendation, coming immediately after the summary judgment motion was filed, raises serious concerns about potential collusion with the Defendant's counsel. This creates an appearance of impropriety and suggests that the Magistrate Judge may not be impartial.

Plaintiff has the right to a fair and impartial adjudication of his claims. The continued involvement of Magistrate Judge Johnson in this case will only serve to perpetuate the existing bias and undermine Plaintiff's pursuit of justice.

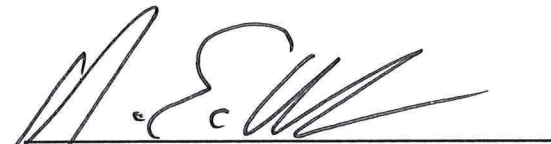
#### V. Relief Requested

Plaintiff respectfully requests that this Court:

1. Remove Magistrate Judge Kimberly C. Priest Johnson from this case.
2. Assign a different Magistrate Judge to oversee the proceedings.
3. Address and rectify the fraudulent behavior, bias, and potential collusion exhibited by Magistrate Judge Johnson.

DATE: August 7, 2024

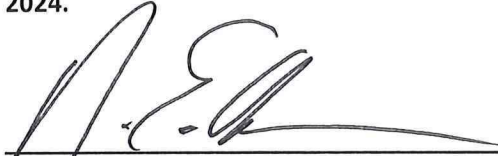
Respectfully submitted,



Nelson Willis  
Plaintiff Pro Se

Certificate of Service

I hereby certify that a true and correct copy of the foregoing document has been served on all corrupt and unethical counsel of record via the court's electronic notification system on this 7th day of August 2024.



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Nelson Willis  
Plaintiff Pro Se